

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 7
91ST GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 11, 2001, with recommendation that the House Committee Substitute for House Joint Resolution No. 7 Do Pass.

Taken up for Perfection April 12, 2001. House Committee Substitute for House Joint Resolution No. 7 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

0662L.03P

AN ACT

Submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), 31 and 32 of article IV of the Constitution of Missouri, relating to the powers and duties of the state highways and transportation commission and adopting six new sections in lieu thereof relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2002, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Sections 29, 30(a), 30(b), 30(c), 31 and 32, article IV, Constitution of Missouri, are repealed and six new sections adopted in lieu thereof, to be known as sections 29, 30(a), 30(b), 30(c), 30(e) and 31, to read as follows:

Section 29. [The] **1. A secretary of transportation appointed by the governor shall be in charge of the** department of [highways and] transportation [shall be in charge of a highways and transportation commission].

2. A transportation commission appointed by the governor, by and with the advice and consent of the senate, shall consist of one member from each of the state's

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 congressional districts appointed to six-year terms. The commissioner of the office of
7 administration, the director of the department of economic development, the director of
8 the department of agriculture and the director of the department of natural resources shall
9 serve as nonvoting ex officio members of the transportation commission.

10 3. The secretary of transportation shall present to the transportation commission
11 a statewide transportation improvement program for the state on not less than an annual
12 basis. The program shall stand as approved by the commission unless rejected by a vote
13 of at least two-thirds of the members of the commission. Meetings of the commission shall
14 be held at the discretion of the secretary but shall be held no less than quarterly. A
15 statewide transportation improvement program which has been approved by the
16 transportation commission shall not be modified unless such modification has been
17 approved by the transportation commission.

18 4. The [number,] qualifications[,] and compensation [and terms] of the members of the
19 [highways and] transportation commission shall be fixed by law, and not more than [one-half]
20 a majority of one of its members shall be of the same political party, **excluding ex officio**
21 **members of the transportation commission.** The selection and removal **by the secretary** of
22 all employees **of the department of transportation** shall be without regard to political
23 affiliation.

24 5. The [highways and transportation commission] **secretary** shall have authority over
25 all state transportation programs and facilities as provided by law, including, but not limited to,
26 bridges, highways, aviation, railroads, mass transportation, ports, and waterborne commerce, and
27 shall have authority to limit access to, from and across state highways where the public interest
28 and safety may require.

29 6. The present members of the [highway] **highways and transportation** commission
30 shall serve as members of the [highways and] transportation commission for the remainder of
31 the terms for which they were appointed.

32 7. All references to the highway commission **or the highways and transportation**
33 **commission** and the department of highways **or the department of highways and**
34 **transportation** in this constitution and in the statutes shall mean the [highways and
35 transportation commission] **secretary** and the department of [highways and] transportation.

Section 30(a). 1. On and after the first day of the month next following the adoption of
2 this section, a tax upon or measured by fuel used for propelling highway motor vehicles shall be
3 levied and collected as provided by law. Any amount of the tax collected with respect to fuel not
4 used for propelling highway motor vehicles shall be refunded by the state in the manner provided
5 by law. The remaining net proceeds of the tax[,] after [deducting costs of collection,
6 apportionment and] making refunds shall be apportioned between the counties, cities and the

7 state as hereinafter provided and shall stand appropriated without legislative action for the
8 following purposes:

9 (1) Ten percent of the remaining net proceeds shall be deposited in a special trust fund
10 known as the "County Aid Road Trust Fund". In addition, beginning July 1, 1994, an additional
11 five percent of the remaining net proceeds which is derived from the difference between the
12 amount received from a tax rate equal to the tax rate in effect on March 31, 1992, and the tax rate
13 in effect on and after July 1, 1994, shall also be deposited in the county aid road trust fund, and
14 of such monies generated by the additional five percent, five percent shall be credited solely to
15 cities not within any county in this state. After such credit to cities not within any county, the
16 proceeds in the county aid road trust fund shall be credited to the various counties of the state
17 on the following basis: One-half on the ratio that the county road mileage of each county bears
18 to the county road mileage of the entire state as determined by the last available report of the
19 state [highways and] transportation commission and one-half on the ratio that the rural land
20 valuation of each county bears to the rural land valuation of the entire state as determined by the
21 last available report of the state tax commission, except that county road mileage in incorporated
22 villages, towns or cities and the land valuation in incorporated villages, towns or cities shall be
23 excluded in such determination, except that, if the assessed valuation of rural lands in any county
24 is less than five million dollars, the county shall be treated as having an assessed valuation of
25 five million dollars. The funds credited to each county shall be used by the county solely for the
26 construction, reconstruction, maintenance and repairs of roads, bridges and highways, and
27 subject to such other provisions and restrictions as provided by law. The monies generated by
28 the additional five percent of the remaining net proceeds which is derived from the difference
29 between the amount received from a tax rate equal to the tax rate in effect on March 31, 1992,
30 and the tax rate in effect on and after July 1, 1994, shall not be used for equipment, machinery,
31 salaries, fringe benefits or capital improvements, other than roads and bridges. In the absence of
32 other controls provided by law, the [state highways and transportation commission] **secretary**
33 shall prescribe policy, rules and requirement for the expenditure of these funds by counties,
34 including, among other things, [highways and transportation commission] **the secretary's**
35 approval of plans for projects on which the funds are to be used. In counties having the township
36 form of county organization, the funds credited to such counties shall be expended solely under
37 the control and supervision of the county court, and shall not be expended by the various
38 townships located within such counties. "Rural land" as used in this section shall mean all land
39 located within any county, except land in incorporated villages, towns, or cities.

40 (2) Fifteen percent of the remaining net proceeds shall be allocated to the various
41 incorporated cities, towns and villages within the state solely for construction, reconstruction,
42 maintenance, repair, policing, signing, lighting and cleaning roads and streets and for the

43 payment of principal and interest on indebtedness incurred prior to January 1, 1980, on account
44 of road and street purposes, and the use thereof being subject to such other provisions and
45 restrictions as provided by law. The amount apportionable to each city, town or village shall be
46 based on the ratio that the population of the city, town or village bears to the population of all
47 incorporated cities, towns or villages in the state having a like population, as shown by the last
48 federal decennial census, provided that any city, town or village which had a motor fuel tax prior
49 to the adoption of this section shall annually receive not less than an amount equal to the net
50 revenue derived therefrom in the year 1960; and

51 (3) All the remaining net proceeds in excess of the allocations to counties, and to cities,
52 towns and villages under this section shall be allocated to the state and shall be disbursed as
53 provided in section 30(a) and (b) of Article IV of this Constitution.

54 2. The director of revenue of the state shall make the division and apportionment of the
55 funds monthly in the manner required hereby.

56 3. Except for taxes or licenses which may be imposed uniformly on all merchants or
57 manufacturers based upon sales, or which uniformly apply ad valorem to the stocks of merchants
58 or manufacturers, no political subdivision in this state shall collect any tax, excise, license or fee
59 upon, measured by or with respect to the importation, receipt, manufacture, storage,
60 transportation, sale or use, on or after the first day of the month next following the adoption of
61 this section of fuel used for propelling motor vehicles, unless the tax, excise, license or fee is
62 approved by a vote of the people of any city, town or village subsequent to the adoption of this
63 section, by a two-thirds majority. All funds collected shall be used solely for construction,
64 reconstruction, maintenance, repair, policing, signing, lighting, and cleaning roads and streets
65 and for the payment of principal and interest on indebtedness incurred prior to January 1, 1980,
66 on account of road and street purposes.

67 4. Beginning on July 1, 1993, the net proceeds of fuel taxes allocated under this section
68 to counties and to cities, towns and villages shall not be included within the definition of "total
69 state revenues" in section 17 of article X of this constitution.

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system
2 of connected state highways all state revenue derived from highway users as an incident to their
3 use or right to use the highways of the state, including all **revenues derived from toll facilities,**
4 **all** state license fees and taxes upon motor vehicles, trailers and motor vehicle fuels, and upon,
5 with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use
6 thereof (excepting the sales tax on motor vehicles and trailers, except as hereinafter provided,
7 and all property taxes), less the cost [(1) of collection thereof, (2)] of maintaining the highway
8 related activities of the [highways and] transportation commission and department of
9 **transportation** including any [workers' compensation and retirement] **department of**

10 **transportation fringe benefit** programs, [(3) and of administering and enforcing any state motor
11 vehicle laws or traffic regulations, and] less refunds and that portion of the fuel tax revenue to
12 be allocated to counties and to cities, towns and villages [under] **pursuant to** section 30(a) of
13 Article IV of this Constitution, shall be credited to the state road fund and stand appropriated
14 without legislative action for the following purposes, and no other:

15 First, to the payment of the principal and interest on any outstanding state road bonds.

16 Second, any balance in excess of the amount necessary to meet the payment of the
17 principal and interest of any state road bonds for the next succeeding twelve months shall be
18 credited to the state road fund and shall be expended under the supervision and direction of the
19 [commission] **secretary** for the following purposes:

20 (1) To complete and widen or otherwise improve and maintain the state system **of free**
21 **and toll** highways [heretofore designated and laid out under existing laws];

22 (2) To reimburse the various counties and other political subdivisions of the state, except
23 incorporated cities and towns, for money expended by them in the construction or acquisition
24 of roads and bridges now or hereafter taken over by the state as permanent parts of the system
25 of state highways, to the extent of the value to the state of such roads and bridges at the time
26 taken over, not exceeding in any case the amount expended by such counties and subdivisions
27 in the construction or acquisition of such roads and bridges, except that the [highways and
28 transportation commission] **secretary** may, in [its] **the secretary's** discretion, repay, or agree to
29 repay, any cash advanced by a county or subdivision to expedite state road construction or
30 improvement;

31 (3) In the discretion of the [commission] **secretary** to locate, relocate, establish, acquire,
32 construct and maintain the following:

33 (a) supplementary state highways and bridges in each county of the state as hereinafter
34 provided;

35 (b) state highways and bridges in, to and through state parks, public areas and
36 reservations, and state institutions now or hereafter established, and connect the same with the
37 state highways; and also national, state or local parkways, travelways, tourways, with
38 coordinated facilities;

39 (c) any tunnel or interstate bridge or part thereof, where necessary to connect the state
40 highways of this state with those of other states;

41 (d) any highway within the state when necessary to comply with any federal law or
42 requirement which is or shall become a condition to the receipt of federal funds;

43 (e) any highway in any city or town which is found necessary as a continuation of any
44 state or federal highway, or any connection therewith, into and through such city or town; and

45 (f) additional state highways, bridges and tunnels, outside the corporate limits of cities

46 having a population in excess of one hundred fifty thousand, either in congested traffic areas of
47 the state or where needed to facilitate and expedite the movement of through traffic.

48 (4) To acquire materials, equipment and buildings necessary for the purposes herein
49 described; and

50 (5) For such other purposes and contingencies relating and appertaining to the
51 construction and maintenance of such highways and bridges as the [highways and transportation
52 commission] **secretary** may deem necessary and proper.

53 2. One-half of the proceeds from the state sales tax on all motor vehicles, trailers,
54 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use
55 and shall be distributed as follows: ten percent to the counties, fifteen percent to the cities, one
56 percent to the state transportation fund, which is hereby created to be used in a manner provided
57 by law and seventy-four percent to the state road fund. The amounts distributed shall be allocated
58 as provided in section 30(a) of this article, to be used for highway and transportation purposes.

59 3. Notwithstanding the provisions of subsection 1 of this section, any increase in state
60 license fees and taxes on motor vehicles, trailers, motorcycles, mopeds and motortricycles over
61 and above those in effect upon adoption of this section shall be distributed as follows: ten percent
62 to the counties, fifteen percent to the cities and seventy-five to the state road fund. The amounts
63 distributed shall be allocated as provided in section 30(a) of this article, to be used for highway
64 and transportation purposes.

Section 30(c). The [highways and transportation commission] **secretary** shall have
2 authority to locate, relocate, establish, acquire, construct, maintain, control, and as provided by
3 law to operate, develop or fund public facilities as part of any state transportation program such
4 as but not limited to aviation, mass transportation, railroads, ports, and waterborne commerce,
5 provided that funds other than those designated for highway purposes in this constitution are
6 made available for such purposes.

**Section 30(e). 1. The transportation commission is authorized to conduct feasibility
2 studies for, and to fund, design, acquire, construct, maintain, reconstruct and operate toll
3 facilities as defined by law within the state, along or across borders of the state or across
4 a river or stream comprising a portion of the boundary between Missouri and another
5 state. The commission shall fix and collect tolls for the use of all toll facilities. All toll
6 facilities shall be a part of the state highway system.**

7 **2. In addition to any other authority as may be provided by law, the commission
8 is authorized to:**

9 **(1) Issue state toll facility revenue bonds or state toll facility revenue refunding
10 bonds without the consent of any other state agency or board, the proceeds of which are
11 used to pay in whole or in part the cost of the design, acquisition, construction,**

12 maintenance, reconstruction or operation of, or the feasibility studies for, toll facilities.
13 Such bonds shall not be deemed an obligation of the state, but shall be revenue bonds of
14 the commission payable solely from tolls and other revenues derived from toll facilities,
15 from other federal, state, local or special funds pledged for the payment of these bonds or
16 for the purpose of paying all or any part of the cost of any toll facility project, and, if
17 necessary, from the state road fund pursuant to subdivision (5) of this subsection;

18 (2) Issue either state toll facility revenue bonds or state toll facility revenue
19 refunding bonds at any time and in any amount, provided that the principal amounts of
20 all such outstanding bonds, in the aggregate, shall not exceed the limits established by law.
21 Such bonds shall bear such date or dates and shall mature at such time or times, but not
22 in excess of forty years, as the commission shall specify. The bonds shall be in such
23 denomination, bear interest at such rate or rates, be in such form, either coupon or
24 registered, be issued in such manner, be issued as either current interest bonds, compound
25 interest bonds or zero coupon bonds, be payable in such place or places and be subject to
26 redemption, as the commission may provide. The bonds may be sold at either public or
27 private sale and at such price or prices as the commission shall determine to be in the best
28 interests of the state;

29 (3) Deposit and transfer as provided by law, the net proceeds derived from the sale
30 of such bonds, the interest thereon, and all tolls and other revenue derived from toll
31 facilities, to the credit of the appropriate toll facility funds, which shall be created by law.
32 Moneys in such funds shall stand appropriated for the purposes of the payment of the
33 principal and interest on state toll facility revenue bonds and state toll facility revenue
34 refunding bonds, and for the payment of the costs of feasibility studies for, and the design,
35 acquisition, construction, maintenance, reconstruction and operation of toll facilities;

36 (4) Transfer moneys from the state road fund to any appropriate toll facility fund
37 to finance the feasibility studies for and the design of toll facilities without issuing state toll
38 facility revenue bonds, if there are available funds in the state road fund which are not
39 committed for other projects and the commission determines that procedure to be the most
40 economical and advisable method of temporarily financing the work, until those transfers
41 can be repaid with interest from one or more of the toll facility funds described in this
42 section and created by law;

43 (5) Transfer sums periodically as necessary from the state road fund to any toll
44 facility fund, when the sums available in that fund are not sufficient to meet its current
45 obligations. Such sums shall be repaid to the state road fund with interest, in the time and
46 manner provided by law; and

47 (6) Enter into any contracts or agreements with any person, corporation, federal,

48 state or local government agency or authority deemed necessary or desirable to fund or
49 effectuate the proper and economic design, acquisition, construction, maintenance,
50 reconstruction or operation of any toll facility.

51 **3. The commission shall continue to collect tolls, fees, rents and other charges on**
52 **each toll facility it operates until the costs of preliminary studies, design, acquisition,**
53 **construction, maintenance, reconstruction and operation of such toll facilities have been**
54 **paid, all state toll facility revenue bonds and state toll facility revenue refunding bonds**
55 **have been retired, and all transfers from the state road fund have been repaid with**
56 **interest. When tolls are discontinued on a toll facility, it shall be part of the free state**
57 **highway system.**

58 **4. The commission may, as it deems necessary, relocate existing public roads for the**
59 **construction of a toll facility.**

60 **5. State toll facility revenue bond and state toll facility revenue refunding bond**
61 **proceeds, and tolls or other revenues derived from the establishment or operation of toll**
62 **facilities, shall not be part of total state revenue within the meaning of sections 17 and 18**
63 **of article X of this constitution. The expenditure of these revenues shall not be considered**
64 **an expense of state government within the meaning of section 20 of article X of this**
65 **constitution.**

Section 31. Any state highway authorized herein to be located in any municipality may
2 be constructed without limitations concerning the distance between houses or other buildings
3 abutting such highway or concerning the width or type of construction. The [commission]
4 **secretary** may enter into contracts with cities, counties or other political subdivisions for and
5 concerning the maintenance of, and regulation of traffic on any state highway within such cities,
6 counties or subdivision.

[Section 32. The funds which are allotted by the commission to the
2 construction or acquisition of supplementary state highways and bridges in each of
3 the counties of the state shall be apportioned to the several counties as follows: One-
4 fourth in the ratio that the area of each county bears to the area of the state, one-
5 fourth in the ratio of the population, and two-fourths on such basis as the commission
6 may deem to be for the best interest of highway users; provided the areas and
7 population of cities having a population of 150,000 or more shall not be considered
8 in making such apportionment, and the latest available United States decennial
9 census shall be used; provided further, that if traffic on any supplementary state
10 highway becomes such that a higher type than ordinary supplementary highway
11 construction shall be required, then the commission may construct such higher type
12 and charge such extra cost to unallotted state highway funds. Supplementary state
13 highways shall be selected by mutual agreement of the commission and the local
14 officials having charge of or jurisdiction over roads in the territory through which
15 such supplementary state highways are to be constructed.]